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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,701	07/31/2003	David Wong	13914-028001 / 2003P00198	3616
32864 7590 02/17/2009 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER HAMILTON, LALITA M	
			ART UNIT 3691	PAPER NUMBER
			NOTIFICATION DATE 02/17/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* DAVID WONG

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Application No. 10/632,701  
Technology Center 3600

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Mailed: 13 February 2009

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Before LAWRENCE J. BANKS *Paralegal Specialist*  
BANKS, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on 16 December 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

Examiner's Answer

A review of the Examiner's Answer mailed on 7 August 2008 finds that the status of claims is different or unclear as compared to the last rejection of record and/or as compared to the Brief.

Specifically, the appellant filed an Appeal Brief on 27 May 2008. On page 5, under heading "Grounds of Rejection to be Reviewed on Appeal" the Appellant stated:

[C]laims 7, 22 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable [sic] over Spencer and Albazz as applied to claims 1 and 16, and in further view of Lee (U.S. Patent Publication No. 2002/0615814); and claims 10-11, 25-26 and 36-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable [sic] over Spencer and Albazz as applied to claims 1, 16 and 27, and in further view of Tenorio (U.S. Patent Publication No. 2003/0208424).

In response, an Examiner's Answer was mailed on 7 August 2008.

While the Answer notes that "The appellant['s] statement of the grounds of rejection to be reviewed on appeal is correct . . ." [pages 6-7], the

Examiner's Answer, the following § 103 rejections were made:

Claims 7, 22 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0083156 A1 Spencer and Albazz, as applied to claims 1 and 16 above, and in further view of US 2002/0165814 A1 Lee et al.

Claims 10-11, 25-26 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0083156 A1 Spencer in view of US 2003/0208424 A1 Tenorio et al.

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A clarification of the ground of rejection is required.

### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) vacate the Examiner's Answer mailed 7 August 2008;

2) generate a new Examiner's Answer setting forth the correct

Grounds of rejection and to correct other sections of the Answer as may be required;

3) include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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